



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 20 2003

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Via Facsimile and Regular Mail

Michael Barrera, National Ombudsman
U.S. Small Business Administration
409 3rd Street SW, MC 2120
Washington, DC 20416-0005
Telephone: 202-205-2417
Facsimile: 202-481-5719

Re: SBREFA Section 222 Comment Response to Foam Supplies, Inc.

Dear Mr. Barerra:

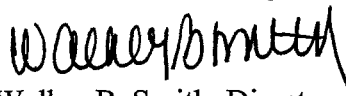
This letter is in reference to the comment submitted by Foam Supplies, Inc., dated April 2, 2003, and received April 7, 2003, pursuant to the Small Business Regulatory Enforcement Fairness Act (SBREFA), Section 222. The comment concerns the company's petition to exempt methyl formate from the volatile organic compound (VOC) definition and its accompanying control requirements. The company petitioned EPA for an exemption in January 2002 and is still awaiting EPA's determination.

The comment does not contain a specific regulatory enforcement or compliance issue, so we are unable to provide answers to SBA's questions or provide details on a particular case. SBA's questions assume that an enforcement or compliance action was taken, which is not the case here. However, we consulted with the Office of Air Quality Planning and Standards (OAQPS) to check on the status of the petition. On April 8 and 15, 2003 (see attached), OAQPS responded to Foam Supplies' letters, dated March 7 and April 1, 2003, requesting information about the status of its petition. In these letters, OAQPS informed Foam Supplies that a proposed rule to exempt methyl formate is undergoing Agency review. OAQPS also explained the reasons why exemption petition reviews can be lengthy. The Clean Air Act does not impose a deadline on the Agency for reviewing these petitions, but the Agency reviews these exemption petitions as expeditiously as practicable.

The Office of Air and Radiation has just completed review of the proposed rule and the proposal is now being reviewed by the Office of Policy, Economics and Innovation. Once that review is complete, the proposed rule will be sent to the Administrator for signature and publication in the Federal Register. Following publication, the proposed rule will be subject to a minimum 30-day comment period. EPA will respond to any comments received on the rule, if any, and then prepare and publish a final rule. At that time, the Agency will be prepared to act on the company's petition.

If you have any questions or concerns regarding this matter, please contact me at (202) 564-2220 or Ann Stephanos of my staff at (202) 564-4006.

Sincerely,

A handwritten signature in black ink, appearing to read "Walker B. Smith".

Walker B. Smith, Director
Office of Regulatory Enforcement

Attachments

cc: Rosemarie Kelley, Acting Director, RCRA Enforcement Division
Dave Sanders, OAQPS